

## REMARKS

Claims 141-142, 148-149, 154-156, 160, 162, 172-175 and 179-181 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gilson (U.S. 5,904,703).

Claims 102-133, 137-139, 145-147, 151-153, 157-159, 161, and 163-171 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilson in view of Bao et al. (U.S. 6,224,630).

By this amendment, claims 102, 109-111, and 141 are amended, and claim 113 is canceled.

The rejections are respectfully traversed.

### Rejection under 35 U.S.C. § 102(e)

Claims 141-142, 148-149, 154-156, 160, 162, 172-175 and 179-181 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gilson (U.S. 5,904,703).

Gilson discloses a device for treatments of septal defects in the heart, relying on two laterally-expanding discs, one serving as an occluder, the other as a counter-occluder.

The two discs, on opposite sides of a septal wall, serve to hold the device in place through the septal defect. To remove either of the extensions of Gilson would render the device inoperative. Therefore, Gilson does not disclose, teach or suggest a device lacking a proximal extension, as required by the claims.

It is respectfully requested that the rejection be withdrawn.

### Rejection under 35 U.S.C. § 103(a)

Claims 102-133, 137-139, 145-147, 151-153, 157-159, 161, and 163-171 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilson in view of Bao et al. (U.S. 6,224,630). Claim 113 has been canceled.

The Examiner relies on Gilson, which is defective for the reasons given above. Bao is relied upon apparently only for its teaching of various fixation means, notwithstanding the fact that Bao is a plug, and does not seal an aperture in a similar or related way as Gilson. In any event, Bao does not cure the deficiencies of the primary reference Gilson, and does not in turn disclose, teach or suggest the claimed invention.

Withdrawal of the rejection is therefore respectfully requested.

Dependent claims 103-112, 114-133, 137-139, 145-147, 151-153, 157-159, 161, and 163-171 are dependent claims from independent claims 102 and 141, and are allowable for at least the same reasons as set forth above.

Accordingly, it is respectfully submitted that the claims are allowable over Gilson in view of Bao, early indication of which is requested.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

~~Please grant any extensions of time required to enter this response and charge~~  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By: 

Eric P. Raciti  
Reg. No. 41,475